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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

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April 13, 2004

The Honorable Colin L. Powell  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Mr. Secretary:

On April 1, 2004, I wrote to you to share a report I released entitled, "A Special Interest Case Study: The Chemical Industry, the Bush Administration, and European Efforts to Regulate Chemicals." This report, which is based on government documents, reveals that the Administration worked closely with the chemical industry to build opposition to a landmark effort in Europe to regulate the chemical industry, known as Registration, Evaluation, and Authorization of Chemicals (REACH). I also requested that you provide information regarding the State Department's role in this effort.

I am writing to you now to request that you explain a highly unusual occurrence that has happened since that report was released.

Since I released the report, I have learned from press reports that you sent a cable on March 15, 2004, to State Department posts in the European Union and in the European Union candidate states urging staff to continue to lobby against REACH.

On the morning of April 5, 2004, my staff requested that the State Department provide me with this cable. My staff pointed out that this cable should be available to members of Congress since it has been available to the press. The State Department refused this request.

I also understand that several environmental groups specifically requested to see this cable as recently as March 31, 2004, but the State Department again did not share the cable.

What concerns me is that at the same time that your Department rejected my request for the cable and that of public interest groups, the cable was apparently provided to the American Chemistry Council (ACC). According to the press, the ACC had the

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cable and was distributing it to interested members of the press. In fact, while I was unable to acquire the cable through the State Department, I readily obtained it from a member of the press. This is disturbing, as it appears to confirm the concern that the chemical industry has highly unusual access within the U.S. State Department.

In addition to the information I requested on April 1, 2004, I request that you explain how ACC obtained this cable that is unavailable to members of Congress, environmental groups, and the public. Please also explain what steps you will take to rationalize the distribution of information from the State Department, so that one special interest does not have access to State Department documents over the public or Congress.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Henry A. Waxman". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Henry A. Waxman  
Ranking Minority Member